

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMY VOLPE,

Plaintiff,

Case No. 18-cv-12517
Hon. Matthew F. Leitman

v.

MARYSVILLE PUBLIC SCHOOLS, et al.,

Defendants.

**ORDER DENYING IN PART AND GRANTING IN PART DEFENDANTS'
RENEWED MOTION FOR SUMMARY JUDGMENT (ECF No. 31.)**

Plaintiff Amy Volpe was employed as a teacher with the Marysville Public Schools from 1999 until 2017. In this action, Volpe brings claims against the Marysville Public Schools and the Board of Education of the Marysville Public Schools (collectively, “MPS”) under Section 107(a) of the Americans With Disabilities Act, 42 U.S.C. § 12117(a) (the “ADA”), Section 606(1) of the Michigan Persons with Disabilities Civil Rights Act of 1976, Mich. Comp. Laws § 37.1606(1), Section 1248 of the Michigan Revised School Code, Mich. Comp. Laws § 380.1248, and under 42 U.S.C. § 1983 for violation of the Due Process Clause of the Fourteenth Amendment. (See First Am. Compl., ECF No. 28.)

On September 28, 2020, MPS filed a Renewed Motion for Summary Judgment. (*See* Ren. Mot. for Summ. J., ECF No. 31.) The Court held a hearing on MPS's motion on February 9, 2021. For the reasons stated on the record during the hearing, MPS's motion is **GRANTED** in part and **DENIED** in part as follows:

- MPS' motion is **DENIED** with respect to Volpe's claims under the ADA and the Michigan Persons with Disabilities Civil Rights Act based on MPS' decision to not re-hire her at the beginning the 2017-2018 school year.
- MPS' motion is **DENIED** with respect to Volpe's claim under Section 1248 of the Michigan School Code.
- MPS' motion is **GRANTED** in all other respects.

IT IS SO ORDERED.

s/ Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 16, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 16, 2021, by electronic means and/or ordinary mail.

s/ Holly A. Monda
Case Manager
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